

### **REMARKS/ARGUMENTS**

The office action of January 13, 2005 has been reviewed (the "Action") and this Amendment is responsive thereto. Claims 2-5, 7, 9, 26-45, 48-50 and 53-69 are pending in this application. By this Amendment, claims 3, 7, 9, 38, 39, 42 and 48 have been amended to more clearly recite subject matter the Applicant regards as the invention, and new claims 53-69 have been added. The basis for the amendments and new claims can be found in the specification and drawings as originally filed.

#### *Allowable subject matter*

Applicant thanks the Examiner for the indication that claims 2-5, 7, 9 and 26-37 are patentable over the cited prior art apart from the 35 U.S.C. 112 rejections. As discussed below, Applicant submits that all pending rejections to these claims have been overcome and that the pending claims are allowable over the prior art of record.

#### *35 U.S.C. §112, first paragraph, rejections*

Claims 2-5, 7, 9 and 26-38 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses these rejections.

The Action states, "the specification does not explicitly disclose *not using* encapsulation to encapsulate the satellite IP address within another source IP address," and asserts that this constitutes new matter. However, Applicant submits that this subject matter is at least implicitly or inherently disclosed in the application as originally filed. Applicant further submits that this subject matter is explicitly disclosed in the application as originally filed, as understood by one having ordinary skill in the art and in accordance with the Internet Protocol.

Aspects of the invention discussed in the present application explicitly teach assigning "an Internet IP address which corresponds to one of the addresses of the NOC 4" (page 7, lines 16-17) to an individual terminal. Aspects of the invention further disclose "issu[ing] a request to

an Internet host 5, e.g., cnn.com, [from a terminal] with the *source address being one assigned to the NOC*.” Emphasis added. Page 8, lines 24-25.

One of ordinary skill in the art recognizes that, in accordance with the Internet Protocol, request packets sent over the Internet include a source IP address that identifies the sender. According to the Internet Protocol, the packet source IP address is located in the packet header and is not encapsulated within the body of the packet. Other data may be encapsulated within each IP packet, such as another packet having its own source IP address. Nonetheless, the source IP address of a packet sent over the Internet is an unencapsulated source IP address per the Internet Protocol. Thus, aspects of the present invention clearly teach sending requests having the source address (i.e., the unencapsulated source address in the packet header) as an Internet IP address assigned to the Network Operations Center of the satellite system.

In other words, these aspects clearly disclose to one of ordinary skill the subject matter of “the request data as sent from the modem having a satellite source IP address from the range of satellite IP addresses assigned to the NOC” that is not encapsulated within another source IP address recited in claims 2-5, 7, 9 and 26-38. The embodiments of the originally-filed application in which the request data has “the source address being one assigned to the NOC” clearly support that ‘the source address’ of the request data packets may be an unencapsulated source IP address that is assigned to the NOC of the satellite system.

In addition, support for this subject matter may implicitly be found in the “Description of Related Art” as originally filed, which discloses encapsulating packets from the hybrid terminal in a spoofing packet having its source address as the IP address of the terminal in accordance with conventional asymmetric satellite systems and the Internet Protocol. The source address of the spoofing packets sent from the hybrid terminal of the conventional system includes an unencapsulated source address of the terminal per the Internet Protocol. However, the source address is from the group of addresses assigned to an ISP connected to the terminal. Once the original request is unencapsulated at the hybrid gateway of the conventional system, then the source address for the new request packet becomes the satellite system source address for the terminal.

Further support for this subject matter may be found in a portion of the detailed description that discusses the conventional systems. As noted at the bottom of page 8 of the specification with respect to an embodiment in which the request from the modem has, as its source address, a satellite source IP address assigned to the NOC, "the asymmetric subscriber has immediate access to the Internet host 5 with a *single Internet transaction and without going through a hybrid gateway* as in the conventional system (emphasis added; page 8, line 29 to page 9, line 1). In other words, the request from the modem does not need to be unencapsulated as in a conventional system. The single Internet transaction and lack of a hybrid gateway is accomplished via the satellite IP source address being the unencapsulated source address of the request.

For at least these reasons, Applicant respectfully submits that a person of ordinary skill in the art would recognize a description in the application as originally filed that supports the subject matter recited in claims 2-5, 7, 9 and 26-38. Accordingly, Applicant respectfully submits that claims 2-5, 7, 9 and 26-38 meet the written description requirement of 35 U.S.C. § 112, first paragraph.

*35 U.S.C. §112, second paragraph, rejections*

Claims 3-5, 7, 9, 32-45 and 48-50 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 3, 7, 9, 38, 39, 42 and 48 have been amended to more clearly identify the subject matter Applicant regards as the invention. Thus, Applicant respectfully requests that these rejections be reconsidered and withdrawn.

*35 U.S.C. §102(e) Rejections*

Claims 39, 40, 42, 43, 45 and 48-50 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Patent No. 6,571,296 to Dillon (Dillon). Applicant respectfully traverses these rejections.

Similar to independent claims 2, 3, 7, 9 and 32, independent claims 39, 42 and 48, as amended, each recite the subject matter of creating a data packet "having a source address assigned to centralized uplink center of a satellite service, the source address not being encapsulated within another source address." As agreed to in the examiner interview of August

27, 2004, this subject matter is not taught or suggested by Dillon. In addition, the Action fails to address this allowable subject matter that is recited in independent claims 39, 42 and 48.

Notably, Dillon discloses a system similar to the conventional system described in the 'Description of Related Art' portion of the present application. The Dillon system includes a hybrid terminal having two IP addresses corresponding to completely different physical networks assigned to it. The first IP address corresponds to an Internet connection provider (SLIP provider) and the second IP address corresponds to a satellite system. *See e.g.*, Dillon, col. 4, lines 42-59. Dillon, however, teaches sending outgoing requests from the hybrid terminal that have, as their source address, an address of the SLIP provider rather than that of the satellite system. (*See* Dillon, col. 4, line 66 to col. 5, line 23). The outgoing requests include an IP packet that is encapsulated or tunneled inside another IP packet having a source address corresponding to the Internet Service Provider and a destination address corresponding to the hybrid gateway 150. (*See Id.*).

For at least these reasons, Applicant respectfully submits that claims 39, 40, 42, 43, 45 and 48-50 are not anticipated by Dillon and are allowable over the prior art of record.

#### *New claims*

New claims 53-69 have been added, of which claim 53 is independent. Similar to independent claim 2, claim 53 recites the subject matter of request data as sent from the modem having, as an unencapsulated source address, the Internet broadcast IP address of the receiver. For at least this reason, Applicant respectfully submits that new claims 53-69 are allowable over the prior art of record.

Appln. No.: 09/532,804  
Amendment dated April 11, 2005  
Reply to Office Action of January 13, 2005

*Conclusion*

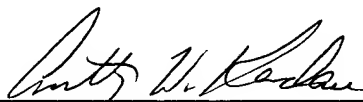
Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: April 11, 2005

By:

  
\_\_\_\_\_  
Anthony W. Kandare  
Registration No. 48,830

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001